THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27916 OF 2005

Dt.2.1.2006

Between:

Sri Mahayogi Lakshmamma Temple,

Adoni, Kurnool District, rep. by its

Committee Chairman … Petitioner

And

The Commissioner, Endowments Department,

Hyderabad and another. … Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

The petitioner is the Chairman of Sri Mahayogi Lakshmamma Temple, Adoni, Kurnool District. It is stated that the house bearing No.11/319 at Adoni belongs to the temple and the temple committee decided to sell away the said property vide resolution dated 24.7.2001 by way of tender-cum-public auction so as to develop the temple with the sale proceeds and accordingly submitted proposals under Section 80 of the Act 30 of 1987 to the Deputy Commissioner, Endowments Department, Kurnool on 29.1.2003, who in turn forwarded the same to the Commissioner, Endowments Department

– first respondent on 30.9.2003 for according necessary permission to sell the house in tender-cum-public auction as per rules. Pursuant to the said proposals, the office of the first respondent vide proceedings dated 20.11.2004 requested the 2nd respondent to submit paper publication, affixture report and objections if any received from the public. As there is no response from the first respondent, the 2nd respondent addressed another letter in Rc.No.B1/8697/01/Adm/Dt.15.3.2004 requesting him to permit the petitioner temple to sell away the said house by way of tender-cum-public auction as per rules. But the first respondent has not taken any decision so far. It is stated that there cannot be any objection under rules to sell away the temple property by way of tender-cum-public auction for development of the temple in the interests of the temple and the public.

The objection of selling of endowed property or property of religious institution by way of private negotiations is also clarified by the Division Bench of this Court in W.P.M.P.No.3012 of 2005 in W.P.No.23543 of 2005 on 22.11.2005 that there is no restriction imposed by this Court for effecting sales made by the temples or Endowments Department by way of public auction. In view of the aforesaid facts and circumstances of the case, there is no legal impediment to accord permission for the first respondent in favour of the petitioner to sell the said property in tender-cum-public auction as per rules.

Having regard to the facts and circumstances of the case, the first respondent is directed to consider and dispose of the said request of the petitioner forwarded by the 2nd respondent for grant of permission in favour of the petitioner to sell away the said house belonging to the temple by way of tender-cum-public auction as per rules within a period of three weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

(V.ESWARAIAH, J.)

2.1.2006

Note: Issue copy within two days.

B.O.

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